



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

*Art Palomares*

APR 12 2012

Ref: 8ENF-W-NP

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Shawn G. Madden, Registered Agent  
Torrington Livestock Markets, LLC  
626 West Valley Road  
Torrington, WY 82240

Re: Request for Information  
Pursuant to § 308 of the  
Clean Water Act, 33 U.S.C. § 1318

Dear Mr. Madden:

The Environmental Protection Agency (EPA) has reviewed the information provided by Torrington Livestock Markets, LLC (the Company) in response to the EPA's November 22, 2011, request for information. Based on the information the Company has provided, the EPA has determined that the Company's livestock facility on West Highway 626 in Torrington, Wyoming (the Facility) meets the definition of a Significant Industrial User, as defined in 40 C.F.R. § 403.3(v). The Facility is subject to all requirements in the EPA's General Pretreatment Regulations in 40 C.F.R. Part 403 that apply to Significant Industrial Users. This includes but is not limited to the reporting requirements in 40 C.F.R. § 403.12(f), (g), and (h).

**As required by 40 C.F.R. § 403.12 (h), the Company is hereby required to report to the EPA every six months by July 31 and January 31. Each July 31 report shall include information from the preceding January through June, and each January 31 report shall include information from the preceding July through December. The first report must be submitted to the EPA by July 31, 2012. Each report shall include the following information:**

1. Number of gallons per day, stated separately for each day, of flow from Facility to the City of Torrington's publicly owned treatment works (POTW) via all conveyances. All conveyances should be metered to reflect accurate flow measurements. Note: the term "POTW" encompasses not only the City of Torrington's wastewater treatment plant but also all sewers, pipes, and other means of conveyance to that treatment plant. Please see 40 C.F.R. § 403.3(q) for a more complete definition of the term "POTW."



2. Daily precipitation records (total precipitation in inches) obtained from a gauge at the Facility or from a weather station within five miles of the Facility.
3. Analysis of a minimum of one representative sample of the Facility's contribution of discharges to the POTW. Each sample should be collected during a rain or snow melt event and should be analyzed, at a minimum, for 5-day biochemical oxygen demand (BOD<sub>5</sub>) and total suspended solids (TSS), with BOD<sub>5</sub> and TSS results to be reported in milligrams per liter. The first report samples shall be collected between the time you receive this letter and June 30, 2012. For subsequent reports, samples shall be collected between January 1 and June 30 and between July 1 and December 31, for inclusion in the July 31 and January 31 reports, respectively. All sampling and analysis shall be performed in accordance with 40 C.F.R. Part 136.
4. Results of any additional sampling of any discharge from the Facility to the POTW during the relevant reporting period.
5. The number and type of animals at the Facility the day each sample is collected.
6. A statement whether all flows from the Facility to the POTW during the relevant reporting period occurred during rain and snow melt events.

In addition to the semi-annual reports described above, the Company must notify the City immediately of any and all flows from the Facility that could cause problems to the POTW, including but not limited to any slug loading. With each semi-annual report referenced above, please also include a copy of any such notification provided to the City during the relevant reporting period.

Each report referenced above must be accompanied by a certificate that is signed and dated by a responsible corporate officer who is authorized by the Company to respond to the request. The term "responsible corporate officer" is defined in 40 C.F.R. § 122.2. A sample certification is included with this letter.

The Company may claim that the EPA should treat any of the requested information as confidential. To make such a claim, the Company will need to follow the procedures in 40 C.F.R. part 2, subpart B (as promulgated at 41 Fed. Reg. 36902 on Sept. 1, 1976, 43 Fed. Reg. 39997 on Sept. 8, 1978, and 50 Fed. Reg. 51654 on Dec. 18, 1985). If the Company makes a confidentiality claim, the EPA will disclose the information covered by the claim only as allowed by that subpart. Making a confidentiality claim does not guarantee that EPA will agree that the information is entitled to confidential treatment. If the Company does not make such a claim when it submits the information to the EPA, the EPA may make the information available to the public without notifying the Company. The Company is required to provide the requested information even it claims that the information is confidential.

The EPA has authority to request this information pursuant to section 308 of the Clean Water Act, 33 U.S.C. § 1318. It is very important that the Company respond to this request for information, and your attention to this matter is greatly appreciated. Please note that the failure to provide required information may potentially result in civil penalties of up to \$37,500 per day

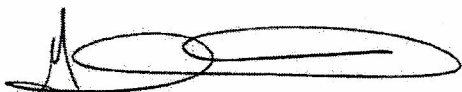
per violation, and that even harsher criminal consequences are possible in the case of deliberate false statements. (33 U.S.C. § 1319; see also 18 U.S.C. §1001.)

Please submit the reports described above to:

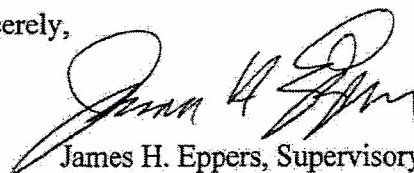
U.S. EPA Region 8 (8ENF-W-NP)  
NPDES Enforcement Unit  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Attn: Pretreatment Enforcement Coordinator

If you have any questions concerning this information request or the required semi-annual reports, please contact Monia Ben-Khaled, Environmental Engineer, at 303-312-6209. If you are represented by an attorney who has questions, please ask the attorney to contact Peggy Livingston, Enforcement Attorney, at 303-312-6858.

Sincerely,



Gwen Campbell, Acting Unit Chief  
NPDES Enforcement Unit  
Office of Enforcement, Compliance and  
Environmental Justice



James H. Eppers, Supervisory Attorney  
Regulatory Enforcement Unit  
Office of Enforcement, Compliance and  
Environmental Justice

Enclosures: Statement of Certification

**Shawn G. Madden, Torrington Livestock Markets, LLC**

**Request for Information Pursuant to § 308 of the Clean Water Act**

**Statement of Certification**

I certify under penalty of law that the foregoing report was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. The response and attachments contain all documents and information responsive to the Request that are known to me following a complete and thorough review of all information and sources available to me. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Official Title

